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**28 JUNE 1999**

**Meeting No 1293**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.45 pm on 28 June 1999 pursuant to Notice 9/1293 dated 24 June 1999.

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### PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor  
(Chairman)

Councillors - Christopher Cotman, Kathryn Greiner, Graham Jahn, John Emmet McDermott, The Hon Henry Tsang MLC and Julie Walton.

At the commencement of business at 5.45 pm those present were:-

The Lord Mayor, Councillors Cotman, Jahn, McDermott, Tsang and Walton.

Councillor Greiner arrived at the meeting at 5.47 pm during discussion on Item 14.

The General Manager, Deputy General Manager, Director City Development, Director City Projects, and Director Legal and Secretariat were also present.

### Opening Prayer

The Lord Mayor opened the meeting with prayer.

Note - During discussion at the meeting of Council, the Chairman (the Lord Mayor) advised Council that -

- (A) Councillor Graham Jahn has been awarded a Residential Architecture Award, one of only three Residential Architecture Awards recently presented by the New South Wales Chapter of the Royal Australian Institute of Architects. The Chairman (the Lord Mayor), on behalf of Council, congratulated Councillor Jahn on his achievement;
- (B) the City of Sydney has received an Award of Merit in the Civic Design category of the New South Wales Chapter of the Royal Australian Institute of Architects Awards for the King George V Recreation Centre. The Chairman (the Lord Mayor), on behalf of Council, extended congratulations to the Director City Projects and staff in the City Projects Division, and the architect, Ed Lippmann, on achieving this Award.

### **ITEM 1. CONFIRMATION OF MINUTES**

Moved by Councillor Walton, seconded by the Chairman (the Lord Mayor) -

That the minutes of the Council Meeting of 31 May 1999, as circulated to Councillors, be confirmed.

Carried.

Moved by Councillor McDermott, seconded by Councillor Walton -

That the minutes of the Extraordinary Council Meeting of 15 June 1999, as circulated to Councillors, be confirmed.

Carried.

### **ITEM 2. MINUTES BY THE LORD MAYOR**

#### **ADDITIONAL MATTER FOR COUNCIL**

FILE NO:

DATE: 28/6/99

#### **MINUTE BY THE LORD MAYOR**

To Council:

Attached for consideration by Council at its meeting on 28 June 1999 is a confidential Memorandum by the General Manager on Park Street Upgrade.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

**ITEM 3. PARK STREET UPGRADE (S00-8704)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor McDermott -

That consideration of this matter be deferred until the commencement of confidential items.

Carried.

Note - The Memorandum by the General Manager on Park Street Upgrade, as referred to in the Minute by the Lord Mayor, was circulated to all Councillors.

**ADDITIONAL MATTER FOR COUNCIL**

FILE NO:

DATE: 25/6/99

**MINUTE BY THE LORD MAYOR**

To Council:

Attached for consideration by Council at its meeting on 28 June 1999 is a report by the Area Planning Manager on Development Application: Hoyts Cinema - 505-523 George Street, Sydney.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

**ITEM 14. DEVELOPMENT APPLICATION: HOYTS CINEMA - 505-523  
GEORGE STREET, SYDNEY (D1999-00181)**

Moved by Councillor Jahn, seconded by Councillor Tsang -

That arising from consideration of a report by the Area Planning Manager to Council on 28 June 1999, in relation to Development Application D99-00181 made by Hoyts Cinemas Ltd for the site at 505-523 George Street Sydney, for alterations and additions to the existing cinema complex and use of a basement tenancy as an amusement centre, it be resolved that consent be granted subject to the following conditions:

## Conditions of Consent

### Schedule 1A

#### Approved Development and Contributions

##### APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 98/00181 lodged on 17 March 1999, supporting information and Statement of Environmental Effects prepared by BBC Consulting Planners dated March 1999, and the following plans prepared by PMDL Architecture and Design:-

##### Drawing Nos:

- |     |                |   |                     |
|-----|----------------|---|---------------------|
| (a) | DA 101 Issue B | - | dated 10 March 1999 |
| (b) | DA 102 Issue B | - | dated 10 March 1999 |
| (c) | DA 103 Issue B | - | dated 4 March 1999  |
| (d) | DA 104 Issue B | - | dated 4 March 1999  |
| (e) | DA 105 Issue A | - | dated 10 March 1999 |
| (f) | DA 106 Issue B | - | dated 4 March 1999  |
| (g) | DA 107 Issue B | - | dated 4 March 1999  |
| (h) | DA 301 Issue B | - | dated 4 March 1999  |
| (i) | DA 302 Issue B | - | dated 4 March 1999  |
| (j) | DA 303 Issue B | - | dated 4 March 1999  |
| (k) | DA 304 Issue B | - | dated 4 March 1999  |

and as amended by the following conditions:

- (2) The design/proposal shall be amended in the following way:
- complete rendering of the George Street and Kent Street frontages, in addition to other works proposed, of a detail and finish to the satisfaction of the Chairman of the Planning Committee prior to the approval of the Construction Certificate;
  - deletion of proposed new paving on the footpaths of both George Street and Kent Street (see separate conditions regarding paving within the George Street colonnade and the Kent Street footpath);

- (c) moving forward the northern fire doors to George Street, such that the door swing aligns with the property boundary (and central shopfront element);
- (d) deletion of the proposed roller shutter to George Street and a revised entrance to the cinema foyer (automatic glass doors or the like);
- (e) the awning to George Street shall project over the public way such that it aligns with the projection of the "Greater Union" awning to the south; and
- (f) recladding of all exposed walls for the ground level elevation of the Kent Street frontage.

Details of the above amendments shall be submitted to the Council and be to the satisfaction of the Chairman of the Planning Committee prior to the release of the Construction Certificate.

- (3) The requested discretions under the Building Code of Australia (BCA) relating to Smoke Hazard Management and egress from the mezzanine level are not supported. The building shall comply with the BCA. It should be noted that under Cl 66(b) of the EPA Act Regulations 1994 (as amended), only the consent authority (ie Council) has the power to exercise discretion under the BCA for existing buildings.
- (4) The applicant shall surrender the existing consent given in Notice of determination D98-5133 dated 21 January 1999, in accordance with prescribed Form 3 in the Environmental Planning and Assessment Amendment Regulation 1998, prior to issue of a Construction Certificate for any part or stage of the development.
- (5) A revised paving plan, within the site/colonnade area to George Street shall be submitted for the approval of Council prior to the approval of the Construction Certificate.
- (6) The owner shall make the necessary separate application to Council and enter into a lease pursuant to Section 149 of the Roads Act 1993 before construction commences in respect to the stratum above the footway of George Street in which the proposed above-awning central structure is located. The lease will be subject to the payment of rent, plus the payment of a valuation fee, and include any necessary conditions to protect Council's interests. The central structure shall not be used for signage, except for generic signage with the words "Cinema" and/or "Centre".

- (7) An upgraded footpath shall be provided, at no cost to the Council, for the full length of the property to Kent Street, in accordance with requirements in Central Sydney Development Control Plan 1996, consisting of flagstone margins and asphalt paving, with details to be to the satisfaction of the Chairman of the Planning Committee prior to the release of the Construction Certificate. The works shall be carried out at the same time as building works and shall be satisfactorily completed prior to the issue of an Occupation Certificate.
- (8) The existing awning to Kent Street shall either be replaced or repaired. If the awning is chosen to be repaired, all missing elements, dented areas, rust, missing paint and the like shall be made good, to the satisfaction of the Director City Development prior to issuing the Occupation Certificate.
- (9) The exposed northern side walls of the existing building shall be treated by rendering, bagging or the like and finished to a colour and finish to the satisfaction of the Director City Development prior to the release of the Occupation Certificate, or prior to August 2000, whichever occurs first.
- (10) Further and full details shall be provided with, or before applying for, a Construction Certificate, and be to the satisfaction of the Director City Development prior to the release of the Construction Certificate, in respect to the following matters:
  - (a) above and below awning lighting details (above awning lighting may be subject to a separate development application for signage);
  - (b) paving details and colours (including samples);
  - (c) the materials, colour and finish (including samples) of all the new above-awning elements to George Street (central element, cladding of "Hoyts" buttons, channels in the façade etc);
  - (d) the new shopfront to George Street; and
  - (e) awning details (materials and colours) to George Street.
- (11) Prior to issuing of a Hoarding Approval under Section 68 of the LGA 1993, the owner of the site must provide a bank guarantee for the sum of \$80,000 as security for any damage rectifications.
- (12) The following protective measures shall be provided during construction to protect the footway and existing paving on George Street:
  - (a) plastic sheeting to cover the stone paving;
  - (b) plywood on top of the plastic sheet.
- (13) All access to the basement level shall be through the foyer level above (within the building) or from George Street. No direct pedestrian access in to the basement tenancies shall be provided to Kent Street (emergency egress to Kent Street only).

- (14) The cinema shall be operated in accordance with the Security Management Plan (SMP) lodged with the development application, dated 27 April 1999. A separate Security Management Plan shall be lodged with the development application for the amusement centre tenancy. Despite the provisions of the SMP for the cinema complex, the following security arrangements shall be put in place:
- (a) provision of at least one uniformed and licensed security staff member during all operating hours and until 30 minutes after closing time;
  - (b) provision of at least two security staff members after 9.00pm on any night and until 30 minutes after closing;
  - (c) security staff shall be in communication with management (radio or the like) and shall regularly patrol the areas adjoining the site along George Street and Kent Streets;
  - (d) The on site CCTV system shall be subject to an internal Code of Practice. Video recordings of the premises 14 days shall be kept for possible incidents and review by Police, if necessary.

#### **PUBLIC ENTERTAINMENT**

- (15) An application for a Place of Public Entertainment shall be applied for and obtained prior to the issuing of an occupation certificate.

#### **SECTION 61 CONTRIBUTION**

- (16) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:-
- (a) **Cash Contribution Required**

In accordance with the adopted "Central Sydney Contributions Plan 1997" a cash contribution must be paid to Council in accordance with this condition.
  - (b) Payment shall be by bank cheque made payable to the City of Sydney.
  - (c) **Amount of Contribution**

The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "Central Sydney Contributions Plan 1997".
  - (d) Certification of the calculation of the contribution in accordance with the "Central Sydney Contribution Plan 1997" shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
  - (e) For the developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.



**Timing of Payment**

- (f) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**HOURS OF OPERATION**

- (17) The hours of operation of the cinema shall be restricted to between 9.00am and 12.30 the following day on Mondays to Thursdays and Sundays, and between 9.00am and 3.00am the following day on Fridays and Saturdays. The Director City Development may grant longer hours for special occasions. Such approval must be obtained in writing prior to such occasions.
- (18) The hours of operation of the basement level amusement centre are regulated as follows:
  - (a) the hours of operation of the amusement centre shall be restricted to between 9.00am to 12.00 midnight, 7 days a week;
  - (b) notwithstanding (a) above, the premises may operate between midnight and 3.00am following Friday and Saturday nights, for a trial period of 2 years from the date of commencement of the use.

A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, the performance of the operator, compliance with development consent conditions, any complaints received, commitment to the Accord for Amusement Centres and any views expressed by the NSW Police Service. The operating hours of the amusement centre shall not exceed that of the cinemas at any time.

**USE OF TENANCIES**

- (19) A separate application must be submitted at the appropriate time for the specific use of all new commercial/retail tenancies.
- (20) The operator of the amusement centre shall prepare and submit a Security Management Plan which specifies appropriate security patrol, training of staff, uniforms, numbers of security staff at different times, surveillance, weapons detection and other security and response methods in and around the site, for approval of Council prior to commencement of the use.
- (21) The Management/operator of the cinema and amusement centre shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Council, the Management is to employ additional private security staff to ensure that this condition is complied with to the satisfaction of Council.

- (22) No flashing signage outside or within the premises shall be installed.
- (23) Footpath lighting shall be provided along George and Kent Street for the full frontage of the site. The location, design and illumination of such lighting shall be approved by the Director City Development and installed prior to commencement of the use and shall remain on at nights even after closing time, until sunrise.
- (24) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.
- (25) The premises shall seek to cater for a diversity of customers, through measures such as the provision of food, restriction of the spread of gaming machines and provision of areas for ambient relaxation.

#### **WINDOW CLEANING**

- (26) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than monthly.

#### **Schedule 1B**

#### **Conditions to be satisfied prior to issue of Construction Certificate**

#### **DESIGN CHANGES**

- (27) Any design changes proposed/required as a result of the need to comply with the requirements of the Building Code of Australia shall be submitted to and be approved by the Director City Development.
- (28) The applicant shall apply for and obtain approval under s68 of the Local Government Act 1993 for use of the preises as a Place of Public Entertainment.

#### **DEMOLITION**

- (29) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the development.

**PUBLIC TELEPHONES**

- (30) The owner/s must provide, free of cost, an area for the installation of public telephones. The area must be furnished with two public telephones (similar to the Telstra Blue Phone) in consultation with the applicant's preferred provider, but should be located at ground floor level and should provide two square metres for each telephone. At least one telephone should be accessible for use by persons with a disability. The telephones must be available for public use during the normal opening hours of the building. Council shall approve details prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**ARCHIVAL RECORDING**

- (31) The approved development application drawings in an aperture card format on microfilm must be submitted for Council's Archives prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION**

- (32) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979 and must include details of:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
  - (b) Proposed protection of pedestrians adjacent to the site;
  - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
  - (d) Proposed route of construction vehicles to and from the site.

The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

- (33) Waste Handling Systems for the proposed development must be designed and constructed in accordance with Councils Code for Waste Handling in Buildings adopted by Council 17 October 1994 and the Waste Minimisation and Management Act 1995
- (34) The following requirements apply to storage and waste handling:
- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).

- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
- (d) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
- (e) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
- (f) The location and design of any garbage chutes or compaction units required by Council's Code.
- (g) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

**Note:**

Certification will also be required on completion of the building, prior to issue of an Certificate.

**WASTE**

- (35) In accordance with the provisions of the Waste Minimisation and Management Act 1995, details of refuse removal from the demolition site are to be submitted to the Principal Certifying Authority prior to the commencement of construction and must include:
  - (a) Types and quantities of materials that are to be reused or recycled on and off site and quantities scheduled for disposal;
  - (b) Name of company/contractor undertaking on and off site reuse and recycling and address of recycling outlet;
  - (c) Names of refuse transport contractor and address of disposal site.
  - (d) This information must be provided prior to commencement of any work on the site and the Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (36) Details of the destination of spoil removed from the site during the course of excavation must be submitted for the approval of the Principal Certifying Authority. This must include:-

- (a) type and quantities of excavated material;
- (b) name/address of company/organisation accepting excavated material;
- (c) address of proposed site of disposal;
- (d) name and address of transport company.

The Principal Certifying Authority must be furnished with the above information prior to commencement of work. The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of construction.

Note: The Protection of the Environment Administration Act, 1991, provides for the revocation of transporters' licences where drivers dump wastes illegally.

### **DISABLED ACCESS**

- (37) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy.

### **SANITARY FACILITIES**

- (38) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

## **Schedule 1C**

### **Conditions to be complied with during construction, to the satisfaction of the Principal Certifying Authority**

#### **HOURS OF WORK AND NOISE**

- (39) The hours of construction and work on the development shall be as follows:
  - (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
  - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
  - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.

- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
  - (e) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.
- (40) This development consent does not extend to the use of appliances that emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E, or F of Schedule 1 of the "City of Sydney Building Sites Noise Code". A separate application for approval to use any of these appliances must be made to Council.
- (41) Should construction be required to take place during the period from 1 September 2000 to 1 October 2000, it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by the Council, after consultation with relevant Olympic authorities, with such submission being made at least three months prior to September 2000.

#### **OBSTRUCTION OF PUBLIC WAY**

- (42) The public way must not be obstructed by any materials; vehicles refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

#### **VENTILATION**

- (43) Details of any alterations to the existing mechanical ventilation or air-conditioning system shall be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and Relevant Australian Standard prior to the commencement of work; certified plans (in duplicate) shall be coloured so as to adequately distinguish the proposed alteration.

#### **DESIGN OF FOOD PREMISES**

- (44) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (45) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of either:
- (a) the Certifying Authority with the construction certificate application, ie.

- (b) \*an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
  - (c) \*Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,
- OR
- (d) the Principal Certifying Authority prior to the commencement of the work, ie.
  - (e) \*an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
  - (f) \*Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note

Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

## **Schedule 1D**

### **Conditions to be complied with prior to the issue of an Occupation Certificate, to the satisfaction of the Principal Certifying Authority**

#### **FINAL INSPECTION**

- (46) The applicant shall notify the Principal Certifying Authority for a final inspection on completion of work.

#### **FOOD PREPARATION**

- (47) Any portion of the premises designed or used for the manufacture, preparation, packing, storage conveying or delivering of any food or beverage for human consumption must be designed and constructed in accordance with the National Code for the Construction and Fit out of Food Premises, the Food Act 1989 and the Food (General) Regulation 1997.

Certification of the design and construction of the premises must be submitted to the satisfaction of the Principal Certifying Authority. Such Certification must be by an appropriately qualified and experienced Architect, or other appropriately qualified person.

### CERTIFICATION OF MECHANICAL VENTILATION

- (48) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority and furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
- (49) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority prior to commencement of any mechanical services work.
- (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the satisfaction of the Principal Certifying Authority:
- (i) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
  - (ii) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
- |  |        |
|--|--------|
| SUPPLY AIR DUCTS, SHAFTS AND FANS                              | BLUE   |
| RETURN AIR DUCTS, SHAFTS AND FANS                              | PINK   |
| OUTSIDE AIR DUCTS, SHAFTS, INTAKES<br>AND STAIR PRESSURISATION | GREEN  |
| EXHAUST AIR DUCTS, SHAFTS, FANS,<br>DISCHARGES AND SMOKE SPILL | ORANGE |
| MIXING BOXES AND CONDITIONERS                                  | YELLOW |
| FIRE DAMPERS AND ELECTRIC HEATERS                              | RED    |
- (iii) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings.
  - (iv) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA.



- (v) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.
- (b) Following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval in (a), above, a Mechanical Ventilation Completion and Performance Certificate in the form of Attachment M2 must be submitted to the Principal Certifying Authority for consideration, immediately after testing is complete and before occupancy is required. A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA.

Note: Council reserves the right to randomly audit any mechanical ventilation documentation and either accept or reject the certification or part thereof and to randomly inspect a building.

- (50) Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority for all of the items listed in the attached Schedule of Essential Fire or Other Safety Measures forming part of this approval prior to any consent for occupancy/partial occupancy being granted.
- (51) An annual Fire Safety Statement (form 15A under the Environmental Planning and Assessment Amendment Regulation 1998) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

#### **WASTE MANAGEMENT CERTIFICATION OF COMPLETION**

- (52) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority, prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or use of the premises.
- (53) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (54) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

#### **EITHER**

- (a) an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate;

#### **OR**

- (b) a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.
- (55) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (56) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

### **RECEPTACLES FOR CIGARETTE BUTTS**

- (57) Provision must be made outside the entrance/s to the building for an adequate number of receptacles for the disposal of cigarette butts. Council must approve the design of the receptacle/s prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note: The emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

## **Schedule 1E**

### **Conditions to be satisfied during operation**

#### **NOISE**

- (58) The use of the premises must not give rise to any one or more of the following:
  - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
  - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
  - (d) An "offensive noise" as defined in the Noise Control Act, 1975.
  - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

- (f) The method of measurement of vibration in (A) and sound levels in (B), (C) and (D) must be carried out in accordance with AS2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

### **ACCESS**

- (59) Unobstructed access shall be provided and maintained to all exits from tenancies and from public areas.

### **SIGNS**

- (60) A separate development application for any proposed signs, which are either externally fitted or applied, must be submitted for the approval of Council prior to the erection or display of any such signs.

### **CARE OF BUILDING SURROUNDS**

- (61) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building are to be kept clean and free of litter at all times.

### **GRAFFITI REMOVAL**

- (62) The owner/manager of the site shall ensure all graffiti is removed from the building within 48 days of its appearance.

Amendment moved by Councillor Greiner, seconded by Councillor McDermott -

That the motion be amended by the deletion of the entire motion and the substitution of the following new motion -

That arising from consideration of a report by the Area Planning Manager to Council on 28 June 1999, in relation to Development Application D99-00181 made by Hoyts Cinemas Ltd for the site at 505-523 George Street Sydney, for alterations and additions to the existing cinema complex and use of a basement tenancy as an amusement centre, it be resolved that -

- (A) consideration of this matter be deferred to the next meeting of the Planning Committee; and
- (B) the applicant be requested to submit a security management plan to Council for consideration before the matter is finalised.

The amendment was lost on the following show of hands -

Ayes (3) - Councillors Cotman, Greiner and McDermott

Noes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Councillors Cotman, Jahn, Tsang and Walton

Noes (2) - Councillors Greiner and McDermott

Motion carried

**Call to Order**

During discussion on Item 14 at the meeting of Council, the Chairman (the Lord Mayor) called Councillor Greiner to order for interrupting the meeting.

**ITEM 4. MATTERS FOR TABLING**

There were no annual reports or matters for tabling for this meeting of Council.

**ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 21 JUNE 1999**

PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor  
(Chairman)

Councillors Christopher Cotman, Kathryn Greiner, Graham Jahn, John Emmet McDermott, The Hon Henry Tsang MLC, and Julie Walton.

At the commencement of business at 4.45 pm those present were:-

Councillors Cotman, Greiner, Jahn, McDermott, and Walton.

The Lord Mayor arrived at the meeting of the Finance, Properties and Tenders Committee at 4.49 pm during discussion on Item 5.3.

Councillor Tsang arrived at the meeting of the Finance, Properties and Tenders Committee at 4.55 pm during discussion on Item 5.3.

In the absence of the Lord Mayor, at the commencement of the meeting, the Deputy Chairperson, Councillor Walton, chaired the meeting.

The Lord Mayor, on his arrival at the meeting at 4.49 pm, during discussion on Item 5.3, assumed chairmanship of the meeting at that time.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.15 pm.

Report of the Committee

Moved by the Chairman (the Lord Mayor), seconded by Councillor Tsang -

That the Report of the Finance, Properties and Tenders Committee of its meeting of Monday 21 June 1999 be received, and the recommendations set out below for Items 5.1 to 5.4, inclusive, be adopted.

Carried.

The Committee recommended the following:-

**INVESTMENTS HELD BY COUNCIL AS AT 30 APRIL & 31 MAY 1999 (AO2-00360)**

**5.1**

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 21 June 1999, on Investments Held by Council as at 30 April and 31 May 1999, it be resolved that the report be received and noted.

Carried.

### **Closed Meeting**

At 4.47 pm, the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 5.2, 5.3 and 5.4 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 5.2 to 5.4, inclusive, were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public and were subsequently dealt with by Council in open session.

### **51 DRUITT STREET, SYDNEY - RENEWAL OF LEASE OF PART OF THE GROUND FLOOR TO THE OFFICE OF THE PROTECTIVE COMMISSIONER (L02-00802)**

#### **5.2**

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 21 June 1999 on 51 Druiitt Street, Sydney – Renewal of Lease of Part of Ground Floor to the Office of the Protective Commissioner, it be resolved that a new lease be granted for a term of 5 years from 5 August 1999 at a commencing rental of \$122,430 per annum gross.

Carried.

### **DESIGN, SUPPLY AND INSTALLATION OF DECORATIVE ELEMENTS FOR 1999 CHRISTMAS DECORATIONS PROGRAM (S00 7522)**

#### **5.3**

That arising from consideration of a report by the Director Look of the City to the Finance, Properties and Tenders Committee on 21 June 1999, on Design, Supply and Installation of Decorative Elements of the 1999 Christmas Decorations Program, it be resolved that -

- (A) in accordance with Section 55(3) of the Local Government Act 1993, and due to the unavailability of competitive tenders, a satisfactory result would not be achieved by inviting tenders for the production of the new decoration of the City Christmas Tree;

- (B) authority be delegated to the General Manager to negotiate a contract with Studio Kite for the design, procurement and installation of new decorations for the City Christmas Tree on terms acceptable to Council, subject to:
  - (a) a total fee not exceeding \$100,000;
  - (b) Studio Kite entering into a contract on terms acceptable to the General Manager;
  - (c) all relevant documentation being executed by Council's attorney;
- (C) Councillors be progressively briefed on the 1999 Christmas Decorations Program, including the next prototyping stage for street banners and decorations for the Martin Place tree;
- (D) no sponsorship of the 1999 Christmas Decorations Program be permitted;
- (E) Balarinji's services continue to be used as the design consultancy team to modify and develop designs from the 1998 Christmas Decorations Program for the 1999 Christmas Decorations Program;
- (F) Council endorse the recommended program of works as outlined in a further report by the Director Look of the City, circulated to Councillors at the meeting of the Finance, Properties and Tenders Committee on 21 June 1999, on the subject matter, including the proposal to budlight the Sydney Square trees, with the budlights to be purchased - no Christmas tree - at an estimated cost as shown in the further report.

Carried.

**DESIGN, SUPPLY AND INSTALLATION OF NEW BANNER POLES - BANNER POLE PROGRAM TENDER NO. 9911 (SOO 8104)**

**5.4**

That arising from consideration of a report by the Director, Look of the City to the Finance, Properties and Tenders Committee on 21 June 1999 on Design, Supply and Installation of Banner Poles under Tender No. 9911, it be resolved that -

- (A) Council accept the La Mer tender for the removal of the existing 267 Banner Poles and the supply and installation of 406 new Banner Poles for the amount specified in paragraph 8(a) of the subject report, subject to the timing of the works being approved by the General Manager;
- (B) Council allocate funds in the 1999/2000 budget for the project as stated in paragraph 11 of the subject report;
- (C) the General Manager continue negotiations with the Sydney Harbour Foreshore Authority and the Darling Harbour Authority to seek their participation in the program.

Carried.

**ITEM 6. REPORT OF THE PLANNING COMMITTEE - 21 JUNE 1999**

PRESENT

Councillor Graham Jahn  
(Chairman)

Councillors Christopher Cotman, Kathryn Greiner, John Emmet McDermott, The Hon Henry Tsang MLC and Julie Walton.

At the commencement of business at 6.10 pm those present were -

Councillors Cotman, Greiner, Jahn, McDermott and Walton.

Councillor Tsang arrived at the meeting of the Planning Committee at 6.16 pm during discussion on Item 6.2.

At 6.47 pm, during discussion on Item 6.2, it was -

Moved by Councillor McDermott, seconded by Councillor Walton -

That consideration of this matter be deferred to the end of the Planning Committee meeting to enable the matter to be dealt with in closed session.

Carried.

At 6.53 pm, during discussion on Item 6.3, it was -

Moved by Councillor McDermott, seconded by Councillor Tsang -

That consideration of this matter be deferred to the end of the Planning Committee meeting to enable the matter to be dealt with in closed session.

Carried.

At 6.57 pm, the Planning Committee resolved to close the meeting to discuss Items 6.2 and 6.3.

At 7.18 pm, at the conclusion of discussion of the confidential aspects of these matters, the meeting of the Planning Committee was reopened to the public.

When the meeting was reopened to the public, the Chairman announced the resolutions of the Planning Committee in relation to Items 6.2 and 6.3.

The meeting of the Planning Committee concluded at 7.20 pm.



Report of the Committee

Moved by Councillor Jahn, seconded by Councillor Walton -

That the Report of the Planning Committee of its meeting of Monday 21 June 1999 be received, and the recommendations set out below for Items 6.1 to 6.4, inclusive, be adopted.

Carried.

The Committee recommended the following:-

**PART "A" - DETERMINED BY COUNCIL****PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)****6.1**

That arising from consideration of a report by the Manager Development to the Planning Committee on 21 June 1999, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

**Closed Meeting**

At 6.57pm, the Planning Committee resolved -

That the meeting be closed to the public in accordance with the provisions of Section 10A (2) (g) of the Local Government Act 1993 to discuss Items 6.2 and 6.3 on the agenda as these matters comprised discussion of matters concerning litigation;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 6.2 and 6.3 were then dealt with by the Planning Committee while the meeting was closed to the public and were subsequently dealt with by Council in open session.

**DEVELOPMENT APPLICATION: 647-649 GEORGE STREET SYDNEY (D1999-00224)**

**6.2**

That consideration of this matter be deferred until the meeting of Council on 28 June 1999.

Carried.

Note - This item was dealt with by Council as Item 7 on the Business Paper.

Note - The Planning Committee requested that the Director City Development seek advice on this matter from the Director Legal and Secretariat .

Note - Mr Steven Layman, Mr Richard D'Apice and Father Marcellus Glynn addressed the meeting of the Planning Committee on this matter.

**PART "B" - DETERMINED BY PLANNING COMMITTEE UNDER DELEGATED AUTHORITY**

The Planning Committee recommended that Council note that Items 6.3 and 6.4 were determined by the Planning Committee under delegated authority.

Carried.

**DEVELOPMENT & SECTION 96(2) APPLICATIONS: 189-197 KENT STREET SYDNEY (ADC BUILDING) (DA1999-00257 & SECTION 96 (2) TO MODIFY DA85/1022)**

**6.3**

Moved by Councillor McDermott, seconded by Councillor Tsang -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 21 June 1999 in relation to -

(A) Development Application D99-00257 made by NLD Australia Pty Ltd for the site at 189 Kent Street Sydney (known as the ADC building) to change the message on the existing illuminated sign on the subject building, it be resolved that the application be refused for the following reasons -

- (1) the proposed development does not comply with the signage and design provisions contained within Central Sydney Development Control Plan 1996;
- (2) the proposed signage would have an adverse visual impact on the appearance of the building that would not be in the public interest;

- (3) the illumination of the signage proposed would detract from the operations of Sydney Observatory.
- (B) Section 96(2) application to modify condition No. 4 of Development Application 85/1022 made by NLD Australia Pty Ltd for the site at 189 Kent Street Sydney (known as the ADC building) to delete the requirement for Council consent to change the content of the existing sign, it be resolved that the application be refused as the subject development does not comply with the signage and design provisions contained within Central Sydney Development Control Plan 1996 and it is inconsistent with the policy objectives of this instrument to allow unfettered use of the subject sign;
- (C) The existing signage, it be resolved that a Notice be served on the owner of the subject site to remove the existing signage and make good the north east wall of the existing plant room.

Carried.

Note - Mr Bill Gunn addressed the meeting of the Planning Committee on this matter.

Note - Item 6.4 was dealt with by the Planning Committee in open session.

**DEVELOPMENT APPLICATION: COMPANY DIRECTOR HOUSE, 71 YORK STREET, SYDNEY (D1999/00346)**

**6.4**

Moved by Councillor McDermott, seconded by Councillor Tsang -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 21 June 1999, in relation to Development Application D1999/00346 made by Perpetual Trustee Company Ltd for the site at 71 York Street, Sydney for the award of Heritage Floor Space, it be resolved that consent be granted subject to the following conditions:-

**Schedule 1A**

**Approved Development, Contributions and Covenants**

**APPROVED DEVELOPMENT**

- (1) The approved works must be in accordance with Development Application No. 1999/00346 dated 19 May 1999 as detailed in Appendix A of the Conservation Plan prepared by Graham Brooks and Associates Pty Ltd, dated April 1999, as amended by letter dated 9 June 1999 from Graham Brooks and Associates Pty Ltd, and as amended by the following conditions:
- (2) This consent shall be read in conjunction with the Notice of Determination for Development Application No. 1999/00032, dated 23 March 1999.

**HERITAGE**

- (3) The applicant is to commission an experienced conservation expert to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation expert is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration and reconstruction.
- (4) The applicant is to commission experienced tradepersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed Heritage Floor Space scope of works.
- (5) All conservation work shall be carried out as detailed in the "Schedule of DA Works" (Appendix A) of the Conservation Plan for Company Director House at 71 York Street (prepared by Graham Brooks and Associates Pty Ltd. dated April 1999), as amended by letter dated 9 June 1999 by Graham Brooks and Associates Pty Ltd. All conservation work must be completed and then approved by the Director City Development prior to the registration of the Heritage Floor Space award.
- (6) All maintenance work identified as 'Cyclical Maintenance Regime' in Section 8.4 of the Conservation Plan for Company Director House at 71 York Street (prepared by Graham Brooks and Associates Pty Ltd. dated April 1999) shall be carried out to the satisfaction of the Director City Development prior to the registration of the Heritage Floor Space award.
- (7) The conservation expert (as noted in condition 3) is to certify that the approved conservation and maintenance works are carried out in accordance with the approved Conservation Plan, as amended by letter dated 9 June 1999 by Graham Brooks and Associates Pty Ltd, prior to the registration of the Heritage Floor Space award.
- (8) The proposed works are to be carried out in a manner that does not involve any demolition, alteration, or irreversible damage to significant fabric (not identified in the scope of work of the application) of the heritage item.
- (9) An interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site. It shall be completed and submitted for approval prior to the registration of Heritage Floor Space.
- (10) An amended Conservation Plan, incorporating the revised schedule of works in the letter dated 9 June 1999 by Graham Brooks and Associates Pty Ltd, shall be submitted to the Director City Development prior to the registration of the award of Heritage Floor Space.

### **AWARD OF HERITAGE FLOOR SPACE**

- (11) The owner may be awarded 4205m<sup>2</sup> of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
- (a) The owner shall complete the conservation work approved by this development consent, the previous development consent (refer Condition 2), and future Construction Certificates under the Environmental Planning and Assessment Act 1979 prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;
  - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
    - (i) ensure the continued conservation and maintenance of the building; and
    - (ii) limit any future development of the site to the total area of the conserved building.
  - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
  - (d) The owner will only be registered as the owner of 4205m<sup>2</sup> of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
  - (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

### **SECTION 61 CONTRIBUTION**

- (12) Certification of the total cost of the development, including the Conservation Works approved as part of D1999/00032, is to be submitted to Council prior to the issue of a Construction Certification under the Environmental Planning and Assessment Act 1979. Should the total cost of the development exceed \$200,000 a contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:-

#### **Amount of Contribution**

- (a) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction stage, as determined in accordance with the "Central Sydney Contributions Plan 1997".

#### **Payment**

- (b) Payment shall be by bank cheque made payable to the City of Sydney.

- (c) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **REPORT TO BE COMPLIED WITH**

- (13) The development shall be in accordance with the recommendations of the Conservation Report prepared by Graham Brooks and Associates Pty Ltd dated April 1999, as amended by letter dated 9 June 1999 from Graham Brooks and Associates Pty Ltd.

#### **BUILDING NAME**

- (14) Any change to the name of the building is to be subject to the approval of Council.

#### **SIGNS**

- (15) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

#### **EXTERNAL LIGHTING**

- (16) A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.

### **Schedule 1B**

#### **Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority**

##### **DESIGN MODIFICATIONS**

- (17) Further design details shall be provided regarding:
  - (a) Reconstruction of the pavement lights and vents;
  - (b) Refurbishment of the Ground floor tenancy space, including the relocation of existing services; and
  - (c) Replacement of the aluminium doors at ground floor level with timber doors.

The details shall be submitted for the approval of the Director, City Development prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, or where no Construction Certificate is required, prior to the commencement of work.

**PAVEMENT LIGHTWELLS**

- (18) The pavement lightwells in the footways adjoining the site must be upgraded and maintained according to the requirements of and to the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**BUILDING CODE OF AUSTRALIA**

- (19) The applicant is advised of the following:
- (a) The proposal is to meet the performance requirements of the Building Code of Australia for Type A construction.
  - (b) The existing building does not comply with the Deemed-to-Satisfy provisions of the Building Code of Australia for Type A Construction. Therefore, any Construction Certificate application must include a report identifying areas of non-compliance and proposed alternative solutions. The following information is to be provided with the report:-
    - (i) Details of the performance requirements that the alternative solution is intended to meet; and
    - (ii) Details of the assessment methods used to establish compliance with those performance requirements.
  - (c) The proposal is to address Part C of the Building Code of Australia (Fire Resisting Construction and Protection of Openings, Fire and Smoke doors and fire stairs).
  - (d) The proposal is to address Part D of the Building Code of Australia (Access and Egress, Travel Distances, Discharge of Exits and Access for people with disabilities).
  - (e) The proposal is to address Part E of the Building Code of Australia. Specifications of all proposed Essential Services must be included together with the construction drawings when submitting the application for a Construction Certificate.
  - (f) All materials used in the refurbishment shall comply with specification C1.10 of the Building Code of Australia.
  - (g) Openings in external walls shall be protected in accordance with Parts C3.2 and C3.4 of the Building Code of Australia.

## **Schedule 1C**

### **Conditions to be complied with prior to commencement of construction or demolition or work to the satisfaction of the Principal Certifying Authority**

#### **APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

- (20) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Interim Policy for Temporary Protective Structures.
  - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
  - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

## **Schedule 1D**

### **Conditions to be complied with during construction**

#### **HOURS OF WORK AND NOISE**

- (21) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
  - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
  - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.



- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

### **CONSTRUCTION DURING THE OLYMPICS**

- (22) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (23) The following requirements apply:-
  - (a) All loading and unloading associated with construction must be accommodated on site.
  - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
  - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
  - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
  - (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

### **NO OBSTRUCTION OF THE PUBLIC WAY**

- (24) The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

## **Schedule 1E**

### **Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority**

#### **UNOBSTRUCTED ACCESS TO BE MAINTAINED**

- (25) Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.

Carried.

**ITEM 7. DEVELOPMENT APPLICATION: 647-649 GEORGE STREET SYDNEY (D1999-00224)**

Moved by Councillor Jahn, seconded by Councillor McDermott -

That arising from consideration of reports by the Specialist Planner to the Planning Committee on 21 June 1999 and to Council on 28 June 1999, in relation to Development Application D99-00224 made by Claude Neon (Aust) Pty Ltd for the site at 647-649 George Street Sydney to display an illuminated vinyl skin general advertising display on the existing structure for a period of one year on the subject building, it be resolved that this matter be deferred for further consideration.

Carried.

**ITEM 8. PLAN MAKING IN NSW - DISCUSSION PAPER REGARDING THE REVIEW OF PART III OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (S008206)**

Moved by Councillor Walton, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to Council on 28 June 1999, regarding Council's submission to Plan-Making in NSW: Opportunities for the Future, it be resolved that -

- (B) consideration of this matter be deferred to the next meeting of the Planning Committee;
- (C) Council write to the Department of Urban Affairs and Planning stating that Council:
  - (1) is not satisfied with the delineation of options contained in the discussion paper, as reported by Council staff;
  - (2) is currently formulating its position on what should be achieved by this review and requests an extension of time to achieve this.

Carried unanimously.

**ITEM 9. 1999-2002 CORPORATE PLAN (S008140)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Tsang -

That further to Resolutions of Council of 10 May 1999 and 31 May 1999 and arising from consideration of a report by the Corporate Planner to Council on 28 June 1999, on 1999-2002 Corporate Plan, and following the public exhibition of the draft 1999-2002 Corporate Plan, including the 1999-2000 Budget, and following the public exhibition of an amendment to the draft 1999-2002 Corporate Plan, it be resolved that -

- (A) Council adopt the draft Corporate Plan, shown at Attachment A to the subject report, as its Corporate Plan for 1999-2002, subject to the correction of the rate in the dollar for East/Southern Residential rates on page 56 of the Corporate Plan, to accord with clause (C) of this resolution;
- (B) Council adopt the draft 1999-2000 Budget, including the amendments included at Attachment C to the subject report, as its 1999-2000 Budget, subject to renaming the Priority Project Contingency, on page 24 of the 1999-2000 Budget, to read the "General Project Contingency";
- (C) Council make and levy for the rating year 1999/2000 in respect of all land within the City of Sydney rateable as at 1 July 1999, or which becomes rateable during the rating year, the following rates on the land value of all residential and business land:

	<b>Residential</b>	<b>Business</b>
Minimum Rate	\$255	\$385
<b>Cents in \$ Ad Valorem</b>		
General	0.4204	1.1393
Pyrmont/Ultimo	0.2501	0.6008
East/South	0.2698	1.0035
Rocks	0.3155	0.9835
Hotels	N/A	0.7265

- (D) Council make and levy the domestic waste management charges indicated in the adopted 1999-2002 Corporate Plan for each parcel of rateable land for which domestic waste management services are available;
- (E) Council fix the fees and charges indicated in the Corporate Plan, including the amendments shown at Attachment B to the subject report;
- (F) Council note that authority continues to be delegated to the General Manager to vary fees and charges for commercial operations;
- (G) Council reaffirm that no expenditure from both the General Contingency in the operating budget and the General Project Contingency in the Capital Works budget, is to be made without the joint approval of the Lord Mayor and the General Manager, prior to commitment of funds; and that a confidential addendum be included in each quarterly report to Councillors listing any such expenditure from the operating budget contingency and the General Project Contingency in the Capital Works budget;
- (H) Council note that expenditure on plant and assets will continue to require the specific approval of the General Manager for each individual item.

Amendment moved by Councillor McDermott, seconded by Councillor Greiner -

That the motion be amended by the deletion of the entire motion and the substitution of the following new motion -

That Council write to the Minister for Local Government expressing its view, arrived at after six years, that although the idea of a corporate plan is a good one, there is a tendency for such plans to be window dressing, and that it would be appropriate for the function and content of corporate plans to be reviewed by the Government.

The amendment was lost on the following show of hands -

Ayes (3) - Councillors Cotman, Greiner and McDermott

Noes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Councillors Cotman, Jahn, Tsang and Walton

Noes (2) - Councillors Greiner and McDermott

Motion carried

### **Extension of Time**

During discussion on Item 9, pursuant to the provisions of Clause 22(3) of the Local Government (Meetings) Regulation 1993, it was -

Moved by Councillor Greiner, seconded by the Chairman (the Lord Mayor) -

That Councillor McDermott be granted an extension of time of one minute to speak on this matter.

Carried.

Moved by Councillor Greiner, seconded by Councillor Jahn -

That Councillor McDermott be granted a further extension of time of one minute to speak on this matter.

Carried.

Note - The Chairman (the Lord Mayor) expressed his appreciation to the General Manager and all relevant Council staff for a phenomenal accomplishment in achieving a budget surplus while at the same time expanding the number of services and improving the level of existing services.

## **ITEM 10. QUESTIONS ON NOTICE**

### **RETAILERS' SUPPORT PROGRAM (S006649)**

1. By Councillor Greiner –

#### **Question**

Lord Mayor, in relation to your Retailers' Assistance Package did you, as landlord, write to the tenants in Council's properties advising them that they would receive rent relief?

If you did not write to Council's tenants, why not? If you did, what assistance package have you offered them?

#### **Answer by the Lord Mayor**

The Deputy General Manager advises that:-

“Tenants in Council properties have not been written to about the Retail Support Program.

However two requests for rental support have been received, both from tenants in Park House. Following a recommendation from the managing property agent, approval has been given to provide rental support to one of those tenants. This will be done by means of deferral of a scheduled rent increase for several months.

The other request is currently being reviewed.”

### **GLASSHOUSE (S006649)**

2. By Councillor Greiner –

#### **Question**

Lord Mayor, issues of urban design for shopfronts are important to all stakeholders. Therefore would you please ensure that the proposed plan to remodel the entrance of the Glasshouse on King Street comes to the Planning Committee?

#### **Answer by the Lord Mayor**

The Director City Development advises that this Development Application will be submitted to the Planning Committee for consideration.

**EXTENDED TRADING HOURS (S006648)**

3. By Councillor McDermott –

**Question**

Lord Mayor, I have received a letter from a constituent expressing concern about the application by the Pymont Bridge Hotel to extend its operations to a twenty four hour basis. I have, as you are aware, been concerned for some time about the proliferation of extended licensing hours.

Might I have your assurance that this matter will be dealt with through the Planning Committee and Council rather than being dealt with under delegated authority?

**Answer by the Lord Mayor**

The Director City Development advises that:-

“Council records indicate that there are no DA’s for these premises, nor am I aware of any proposed development applications.

With regard to the issue of hours of use:-

- (i) the pub is subject to a 24 hour liquor licence and is therefore already able to trade 24 hours.
- (ii) the pub already operates on a 24 hour basis with signs on the exterior of the premises advertising the pub as being open 24 hours.”

**TASTE OF ASIA FESTIVAL (S006647)**

4. By Councillor Tsang –

**Question**

Lord Mayor, are you aware that some food store owners in China Town did not receive an invitation to participate in the Taste of Asia Festival which was held on June 18 and 19?

Could you advise the Council who is the organiser of this Food Fair?

Would you ensure that local food store owners are invited to participate in future Noodle Markets or Food Fairs held in Dixon Street?

**Answer by the Lord Mayor**

I have asked the General Manager to take your representations on board and to ensure that appropriate action is taken.

### **DIXON STREET UPGRADE (S006647)**

5. By Councillor Tsang –

#### **Question**

Lord Mayor, would you provide the Council with the progress of the refurbishment of Dixon Street? Are you aware that the work has not yet commenced on the two ceremonial archways and the two ceremonial lions are still lying on the ground?

Can you advise when the project will be completed? Would you ensure there are plaques that would explain to visitors the historical and cultural interest of the precinct on the night?

Would you ensure that the Old Historical plaque commemorating the completion of the original work is reinstated? Would there be an appropriate new plaque to mark this new refurbishment?

#### **Answer by the Lord Mayor**

The Director City Projects advises that:-

“Practical completion for the paving works was achieved in mid February 1999. Outstanding defects included:

- (i) special granite cladding to the plinths of the southern gateway lions;
- (ii) some minor making good and repairs to the Gateways;
- (iii) minor granite cladding to two tree protection plinths.

Rectification of these defects will be completed by 15 July 1999.

Decorative lighting (Stage II works) will be commissioned by 30 June 1999.

The plaque commemorating the 1980 upgrade works is in safe keeping. A new plaque will be prepared for the precinct to coincide with an opening ceremony.”

### **SCULPTURAL PROJECT – SUSSEX STREET (S006647)**

6. By Councillor Tsang –

#### **Question**

Lord Mayor, what is the updated progress on the Sculptural Project on Sussex Street in Haymarket?

Would you ensure that sponsors are properly acknowledged with a suitable bronze plaque and would you ensure that there is a special event to celebrate the completion of refurbishment work at Sussex Street?



**Answer by the Lord Mayor**

The Director City Projects advises that:-

“Confirmation of commissioning of the artist was given on 11 June 1999. Procurement of the tree, design documentation of electrical and hydraulic elements will proceed when the tree has been secured. The artist is preparing a program of work progress, approvals and payments and a list of items for Purchase Orders to be raised.

Council is awaiting identification of the sponsor for the remaining \$10,000 sought from the Chinese Community.

All sponsors will be acknowledged in some way on a plaque at the site.”

**HAYMARKET CHINESE CULTURAL CENTRE (S006647)**

7. By Councillor Tsang –

**Question**

Lord Mayor, would you please give advice to the Council of the progress of the Haymarket Chinese Cultural Centre? Are you aware that the Council’s Cultural Advisory Committee has met and prepared a report for the refurbishment and future management of this Centre? Would you ensure that the Council will regularly consult with this committee on the progress of this project and to agree upon a future management model that will satisfy the needs of the community?

**Answer by the Lord Mayor**

The General Manager advises that:-

“Consultation with the Chinatown Cultural Advisory Committee and the Chinese New Year Group has occurred regarding the Corporation Building.

Both groups have inspected the Corporation Building and have been invited to provide feedback on:

- (i) possible community uses for the multi-purpose areas (first floor);
- (ii) possible community uses for the ground floor area (retail shop No 3);

and on appropriate management options for these areas of the Corporation Building.

Discussions are being held with the Heritage Council about refurbishment of the Corporation Building. City Projects Division staff still anticipate being on site by August 1999.”

## **QUESTIONS WITHOUT NOTICE**

### **STREET LIGHTS, LOWER FORT STREET (S006321)**

1. By Councillor Tsang -

#### **Question**

Lord Mayor, may I ask a question on behalf of The Hon. Sandra Nori, Member for Port Jackson?

Are you aware that the street lights in Lower Fort Street have not been working for some time? Are you aware that the local residents have made representations to Council and no work has been done?

Would you ensure that Energy Australia is requested to repair the lights as soon as possible?

#### **Answer by the Lord Mayor**

There are a number of areas throughout the City that need lighting attention and this is one of them.

General Manager, could you please expedite efforts to improve the lighting in Lower Fort Street and please keep me informed.

### **FINGER WHARF DEVELOPMENT (S006324)**

2. By Councillor Greiner -

#### **Question**

Lord Mayor, is it true that Council officers, under delegated authority, have approved the provision of outdoor tables and chairs along the western deck of the Finger Wharf development by as much as 150 per cent. If so, why was this not referred to the Planning Committee for determination?

#### **Answer by the Lord Mayor**

I am unaware of this issue, but I will ask the General Manager to respond.

#### **General Manager**

I will take the question on notice. My understanding is that the terms and conditions of the use of the deck area outside the building line are currently before Council and under consideration. That is my advice. I would like to check that and I am happy to respond to Councillor Greiner in writing, through the Lord Mayor, setting out that position formally.

**COMMUNITY OUTREACH STRATEGY (S006320)**

3. By Councillor Walton -

**Question**

Lord Mayor, on page 23 of the Draft 1999-2002 Corporate Plan, there is mention of the range of services provided for homeless people through Council's Homeless Persons Information Centre. At the Council meeting on 31 May 1999, I moved a motion, which was unanimously supported, to the effect that a Community Outreach Strategy be introduced as an extension to the role of the Homeless Persons Information Centre.

I wonder if you could find out for me the progress of that improvement in services and advise me accordingly?

**Answer by the Lord Mayor**

I shall ask the Deputy General Manager to respond.

**Deputy General Manager**

Lord Mayor, as part of that resolution, the General Manager was requested to develop a strategy. We have been undertaking a review of the Homeless Persons Information Centre and the Community Strategic Partnerships Grants Program in consultation with stakeholders and a number of Government authorities. This review will be complete by the end of this week.

The terms of reference for the Community Outreach Strategy have been determined and the report is expected to be submitted to Council by the end of August.

**Answer by the Lord Mayor (continued)**

General Manager, this matter must be expedited.

**FOOTPATH WIDENING PROGRAM (S006322)**

4. By Councillor McDermott -

**Question**

Lord Mayor, when I was reading the Corporate Plan, I saw no explanation for the fact that, when I walked down George Street last week, there seemed to be a Council Law Enforcement Officer on every corner.

What is the position regarding the recent deployment of Council's Law Enforcement Officers in George Street?

**Answer by the Lord Mayor**

General Manager, would you please respond?

**General Manager**

Lord Mayor, as Councillors are aware, there have been extensive discussions with the Public Transport Unions. They have expressed some concern about the behaviour of pedestrians in George Street in terms of staying off the road surface and behind the barricades and entering and crossing George Street at the right locations.

We used a similar approach in Railway Square when we closed the Devonshire Street Tunnel. We were trying to take a safety perspective with all the students crossing George Street while it was under construction. For the last couple of weeks, we have had all the intersections in George Street staffed with either Law Enforcement Officers or Traffic Mites to encourage pedestrians to cross at the right points and to improve the safety of that area.

To my knowledge, the Public Transport Unions have been happy with that response. Certainly there have been no reports to me of any accidents in that area over the last two weeks. We will be keeping a watching brief over George Street as we do the construction of the narrower areas of the street. We will continue to use Law Enforcement Officers and Traffic Mites, particularly in peak periods, to help commuters and pedestrians cross at the right paths and not encroach on the roadway.

**ADVERTISING ON BUS SHELTERS IN GEORGE STREET (S006321)**

5. By Councillor Tsang -

**Question**

Lord Mayor, are you aware that the advertising signs on the newly erected bus shelters have significantly reduced the visibility of approaching buses in George Street outside the Queen Victoria Building?

For the safety of passengers waiting for buses, would you please ensure that the advertising signs are relocated so that they do not block the line of sight from inside the bus shelter?

**Answer by the Lord Mayor**

Deputy Lord Mayor, as I have indicated before, we have some flexibility with 5 percent of street furniture items. The General Manager is looking at relocating some of those panels. Whether that extends to George Street, we will have to check. It is a question of how many we can actually change, but certainly some will be changed.

**MARTIN PLACE UPGRADE (S006324)**

6. By Councillor Greiner -

**Question**

Lord Mayor, following on from the General Manager's explanation concerning the footpath widening project, are you aware that the "Rat Run" currently active in Martin Place is dangerous at night time, whereby commuters heading to Martin Place Station walk into Cyclone wire fences.

Would you please ensure that it be lit at night time so that it (a) provides safety for the people going on the "Rat Run" and (b) ensures that commuters do not walk into the Cyclone fences.

**Answer by the Lord Mayor**

Director City Projects, would you care to respond?

**Director City Projects**

I am not aware of any specific incidents at Martin Place, but I will inspect the works there and, if there is inadequate lighting, I will ensure that there is some provided for.

**COMMUNITY OUTREACH STRATEGY (S006320)**

7. By Councillor Walton -

**Question**

Lord Mayor, may I ask a supplementary question to my previous question about the Homeless Persons Information Centre's Outreach Strategy.

Would you please request that the report be done by the end of July rather than the end of August and that the Outreach Strategy itself begin operation as soon as possible thereafter?

**Answer by the Lord Mayor**

Yes, I will request that. I will get back to you as to whether that is feasible. We are not really interested in a long, turgid examination; we are interested in the practical things we can do and how quickly we can do them.

### **LICENSING AUTHORITIES (S006322)**

8. By Councillor McDermott -

#### **Question**

Lord Mayor, it is my understanding that, when licensing hotels, the licensing authorities frequently impose requirements for security personnel. I recently saw a licence requiring three such persons for a fairly small hotel outside the City. It seemed that this was more stringent than our usual conditions for such circumstances.

Do we liaise with the licensing authorities before making recommendations on such issues?

#### **Answer by the Lord Mayor**

I will take that question on notice. I will ask the Director City Development to respond via the Councillors' Information Service.

### **MADISON HOTEL, SURRY HILLS (S006323)**

9. By Councillor Jahn -

#### **Question**

Lord Mayor, would you ask the General Manager to look into a coordination issue outside the Madison Hotel in Devonshire Street, Surry Hills where the licensee's tables outside the hotel are allowed an occupation of about half the width of the footpath, while at the same time JCDecaux has installed a large lid bin on the footpath. The effect is to prevent stroller access between the licensed area and the bin itself on that section of the footpath.

#### **Answer by the Lord Mayor**

General Manager, would you please have that matter investigated?

### **FOOTPATH WIDENING PROGRAM (S006325)**

10. By Councillor Cotman -

#### **Question**

Lord Mayor, the state of the footpath surface during footpath works could be, in places, described as dangerous.

Are directions being given to contractors to keep the pedestrian surface safe and to keep attending to this issue?

**Answer by the Lord Mayor**

That is my understanding, but I will ask the Director City Projects to respond.

**Director City Projects**

Yes, they are. We have project managers from City Projects who are responsible for each project. There are generally two or three people on each project. They walk to each site day to day, covering such things as issuing instructions on safety matters.

**Answer by the Lord Mayor (continued)**

Would you make sure they double their efforts, please?

**QVB AWNINGS (S006321)**

11. By Councillor Tsang -

**Question**

Lord Mayor, are you aware that local residents are concerned that the awning on the Queen Victoria Building on George Street is causing a waterfall effect during downpours?

Would Council's building inspectors investigate this concern and advise if anything can be done?

**Answer by the Lord Mayor**

Would you please respond, Director City Projects?

**Director City Projects**

The awning does not have a gutter system on it; it was never designed that way. It is basically a shade structure and designed to provide waterproofing at the edge of the building, but it was never intended to run downpipes and gutters back to the building.

**Answer by the Lord Mayor (continued)**

I do not know whether there is much that can be done. We can see if there is any pooling in certain locations to see whether it needs to be adjusted slightly. The Director City Projects can look into that.

## **PARK STREET UPGRADE (S006324)**

**12.** By Councillor Greiner -

### **Question**

Lord Mayor, I have received a number of complaints from commuters concerning the reduction of traffic lanes in Park Street, in particular, the reduction of the traffic lane between Elizabeth Street and Castlereagh Street whereby cars travelling from Park Street into the City are now having to merge into two lanes.

Could you perhaps explain to us, through the Director City Projects, (i) why this left hand turning lane into Castlereagh Street has been removed and (ii) why is no work being done on city projects on Sundays?

### **Answer by the Lord Mayor**

There is an item on the agenda this evening relating to Park Street. I too have expressed my concerns to the Director City Projects about that block westbound. It is not actually down to two lanes, it is down to three, but I thought with a slip lane there used to be four. It is a temporary arrangement. I thought they should have taken a lane from the northern side, if it is not capacity limited, whereas the southern side, for westbound traffic, is.

Director City Projects, would you please direct your mind to that issue and the issue about Sunday work and respond?

### **Director City Projects**

Regarding Park Street between Castlereagh and Elizabeth Streets, the majority realignment of the kerb is completed so we can start to pull back the barriers and ensure that the lane is re-established. There was some limitation there when they had to have the barriers beyond the new kerb line which meant that we lost a lane. That has been almost completed so that should be resolved soon.

On the issue of working on Sundays, most of the sites do some work on Sundays. It depends on available resources and staffing levels in terms of the sub-contractors on the job. The workers on Park Street have been working over the last four Sundays. It is not up to the same level that they apply on Saturdays, but they have been doing work on Sundays.



**CITY EXHIBITION SPACE (S006323)**

13. By Councillor Jahn -

**Question**

Lord Mayor, last Saturday I introduced the architect for the Andrew (Boy) Charlton Pool at the Customs House Level 4 Exhibition Space. Were you aware how well received the pool design has been by the users who attended the talk, how the approach and the minimalist design, which all Councillors here supported, seems to have exactly answered the type of facility that was wanted by the users of the site, as evidenced by my experiences there last Saturday.

Further, I would like to ask whether the Lord Mayor would consider providing Councillors with a report on the performance of the Level 4 Exhibition Space, it being a considerable investment by Council. The evidence that I had there last Saturday is that it is becoming a very well used space in the sense of competing uses being experienced at the same time.

Could we have a report on how it is performing and what general programs are being considered there in the near future?

**Answer by the Lord Mayor**

I was not aware of that talk about the Andrew (Boy) Charlton Pool. I was aware that the design had been positively received. That is very good to hear. I believe the development application is somewhere in the system so it should be determined in the next month or two.

In relation to the Exhibition Space, I am happy for the General Manager to have a report prepared on its performance, prognosis and future directions.

**GEORGE STREET SPRUIKER (S006325)**

14. By Councillor Cotman -

**Question**

Lord Mayor, I have had complaints from retailers in George Street, at the "T" intersection of Hunter and George Streets, about the spruiker using an amplified microphone external to the premises.

Can this practice, which is detrimental to both the adjoining retailers and the public domain, be stopped as quickly as possible and policed in future?

**Answer by the Lord Mayor**

I do not know whether it can or cannot be stopped, but I am happy for the Acting Director City Development to take the matter in hand as soon as possible.

**BUS SHELTERS AT MILLERS POINT (S006321)**

15. By Councillor Tsang -

**Question**

Lord Mayor, are you aware that the residents at Millers Point are concerned that the newly erected bus shelters on narrow footpaths at Lower Fort Street and Kent Street have restricted pedestrian traffic movement?

Are you aware that those bus shelters have created problems for the elderly, the disabled and small children.

Would Council officers investigate this concern and ensure that these problems are rectified?

**Answer by the Lord Mayor**

Deputy Lord Mayor, they already have and the one in Kent Street is being moved.

**SIGNAGE AT CUSTOMS HOUSE (S006324)**

16. By Councillor Greiner -

**Question**

Lord Mayor, I believe that the Australian Museum is losing hundreds of thousands of dollars per month in Customs House. Are you aware that the signage at Customs house is so poor that, when people walk into Customs House, they often walk straight out again due to the lack of adequate signage advising them of any exhibitions being held there?

Can this lack of communication be rectified as soon as possible?

**Answer by the Lord Mayor**

I was aware that the General Manager was going to deal with this issue. General Manager, would you care to respond?

**General Manager**

Yes, Lord Mayor. We have met with the Australian Museum in terms of a range of concerns they had. As well as signage, there is also the issue of the level of charging for their exhibition, which is a fairly significant factor viz a viz any other exhibition in the building.

Signage was discussed at the City Venues Management Board meeting last week and it has certainly been a topic at the tenants' meetings and marketing meetings as to the appropriate level of signage internally and externally. A program has been drawn up which I have discussed with the Australian Museum representatives because there is a balance between having over-signage and appropriate signage - and we all want appropriate signage. The tenancies which are not attracting their target numbers see signage as the panacea to their problems, where clearly this is one of a number of factors that has to be taken into account.

### **FOOTPATH WIDENING PROGRAM (S006324)**

17. By Councillor Greiner -

#### **Question**

Lord Mayor, the Director City Projects referred in his answer earlier, when responding to the question of work on Sundays in the City, to available resources. Is the footpath widening program still without enough granite tiles to complete the job?

#### **Answer by the Lord Mayor**

I shall refer that question to the Director City Projects.

#### **Director City Projects**

There was an issue in terms of the supply of stone on some of the streetscape works. About two and a half months ago, there was a major storm in Western Australia which actually closed off a section of roadway accessing the quarry for the austral green stone, which is the stone used in the new kerb construction and for the majority of the paving in Martin Place. It caused a backlog in demand for that particular material. We have been managing that at the quarry both in relation to what is coming out of there and to where that material is being supplied. There are a number of different processes for the stones for different projects. We have had to ensure that there is a continuity of sufficient stone for critical projects.

Also, about three or four months ago, one of the stone processors actually went bankrupt, which led to a slight hiccup with some of the austral black granite. Again, this is being managed at our end. The austral black is supplied out of South Australia. There were two quarries supplying that and one of those stopped production when the processor it was supplying went bankrupt.

## **ITEM 11. NOTICE OF MOTION**

### **BRIEFING (S006655)**

**1.** Moved by Councillor Greiner, seconded by Councillor McDermott -

That a briefing to Councillors and Executive Staff be arranged by the authors, Positioning Sydney Research Group, who published under Council letterhead a booklet entitled "Positioning Sydney as a Clever City", to further discuss the issues raised by the paper.

Amendment. At the request of Councillor Walton and by consent the motion was amended by the addition of the following words at the end of the motion -

“at an appropriate time after the public consultation process has been completed, such briefing to include the results of the public consultation process.”

Motion, as amended by consent, carried.

At 7.40 pm the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 3, 12 and 13 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 3, 12 and 13 were then dealt with by Council while the meeting was closed to the public.

### **ITEM 3. PARK STREET UPGRADE (S00-8704)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Tsang -

That arising from consideration of a Memorandum by the General Manager to Council on 28 June 1999 on Park Street Upgrade, it be resolved that authority be delegated to the General Manager to:

- (A) negotiate a Deed of Variation with Hansen Yuncken Pty Ltd which provides for the completion of the Park Street upgrade between George and Elizabeth Streets according to an accelerated program, which is not to be at the expense of traffic movement or pedestrian amenity;
- (B) terminate the contract with Hansen Yuncken for the upgrade of Park Street if the General Manager reasonably forms the view that the Council is entitled to exercise its rights to do so in accordance with clause 44 of the contract;
- (C) if the contract with Hansen Yuncken is terminated, appoint the contractor referred to in paragraph 10 of the subject Memorandum by the General Manager (or, if that contractor is not able for any reason to complete the works in accordance with Council's requirements, such other contractor as determined by the General Manager) to carry out the works required to complete the Park Street upgrade between George and Elizabeth Streets, without calling tenders on the basis that the following circumstances constitute extenuating circumstances in consideration of which Council may legitimately resolve that a satisfactory result would not be achieved by calling tenders:

- (i) primarily, the fact that it would not be possible to meet Council's timetable for completion of the works if tenders were to be called. Park Street is a major city road, with substantial volumes of traffic using the road both to enter the city and to gain access to the Western Distributor. There are also a significant number of retailers on Park Street who are experiencing disruption as a result of the upgrading work. Whilst this disruption is the normal and unavoidable consequence of the work, and not such as to incur liability on the part of the Council, it would not be in the public interest to delay the completion of the upgrade works while tenders were called.

In addition, in the case of the contractor referred to in paragraph 10 of the subject Memorandum by the General Manager, the following circumstances are considered to constitute extenuating circumstances:

- (ii) the contractor has the necessary experience and capacity to complete the works in accordance with Council's timetable;
  - (iii) the contractor's cost of preliminaries and set-up are likely to be less than other potential contractors; and
- (D) enter into all necessary contracts required to give effect to the Council's resolution.

Carried unanimously.

**ITEM 12. PARK HOUSE SHOPFRONT UPGRADE - APPROVAL TO ACCEPT TENDER (S000829)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Tsang -

That arising from consideration of a report by the Project Manager, City Projects to Council on 28 June 1999, on Park House Shopfront Upgrade - Approval to Accept Tender, it be resolved that -

- (A) Council award the contract for the Shopfront Upgrade of Park House, 291-301 Pitt Street Sydney, to Reed Constructions Pty Limited in the sum of \$117,000;
- (B) authority be delegated to the General Manager to enter into a contract for these works; and
- (C) the General Manager personally approve the timing and scheduling of these works.

Carried unanimously.

**ITEM 13. CONVERSION OF MEN'S CONVENIENCE IN HYDE PARK NORTH TO A CAFE - TENDER NO. 9913: APPROVAL TO APPOINT CONTRACTOR (S000989)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor McDermott -

That arising from a consideration of a report by the Project Manager, City Projects to Council on 28 June 1999, on the tender for the construction works for the conversion of the men's convenience in Hyde Park North to a café, it be resolved that consideration of this matter be deferred for a further briefing of Councillors on a revised scope of works, as well as a briefing on scope for improvements in the Nagoya Gardens precinct and estimated costing of such improvements.

Carried unanimously.

At 7.58 pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 26 July 1999 at which  
meeting the signature herein was subscribed.